

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AMERICAN METALS & COAL
INTERNATIONAL, INC.,
a Delaware Corporation,

Plaintiff,

v.

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,
et. al.

Defendants,

Civil Action No. 2:05-0822

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,

Counterclaimant and Third
Party Plaintiff,

v.

AMERICAN METALS & COAL
INTERNATIONAL, INC. *et. al*

Counterclaim and Third Party Defendants,

SCM, INC., a corporation,

Counterclaimant and Third Party Plaintiff,

v.

WHITE MOUNTAIN MINING CO., LLC
et. al..

Counterclaim and Third Party Defendants.

JOINT REPORT OF SETTLEMENT CONFERENCE AND REQUEST FOR
CONSIDERATION OF SUMMARY JUDGMENT PLEADINGS

In compliance with the requirement in the Court's most recent Scheduling Order in this civil action, American Metals & Coal International, Inc, Redbank, II, Inc. (f/k/a SCM, Inc.) and White Mountain Mining Co., LLC conducted a settlement conference on June 13, 2007. As a result of the settlement conference, the parties have determined that the current settlement posture will not change absent some corresponding change in the viability of the parties' respective claims, counterclaims and cross-claims as they exist in the case and in the various summary judgment pleadings. Further, the parties have previously conducted a mediation without success.

The parties do, however, believe that the Court's consideration of and ruling upon any or all of the currently pending summary judgment pleadings, or upon any of the discrete legal questions presented therein, may provide the parties with the ability to re-evaluate their respective positions on settlement and possibly avoid the necessity of a trial. Absent such a ruling, the parties are convinced that each side will necessarily incur substantial time and expense in preparing for and conducting a trial.

WHEREFORE, the parties jointly request that the Court proceed with resolution of any and all legal issues raised in the parties' respective summary judgment pleadings as the Court deems appropriate either by ruling on the pleadings or, if the Court so desires, by scheduling the summary judgment pleadings for oral argument.

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